

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

Civil Action No.: 05-10448-GAO

JOANNE M. ROYER,)
Plaintiff,)
)
v.)
)
BLUE CROSS AND BLUE SHIELD)
OF MASSACHUSETTS, INC., et al.)
Defendants.)
)

JOINT STATEMENT PURSUANT TO LOCAL RULE 16.1(D)

The parties to this matter submit this joint statement pursuant to Local Rule 16.1(D). The proposed statement unilaterally filed by Plaintiff on or about October 25, 2005 is hereby withdrawn.

I. Matters To Be Discussed At The Scheduling Conference

The parties request that the Court schedule a hearing on defendants' pending motions to dismiss and strike portions of the Amended Complaint. Defendants request that any such hearing not be scheduled between November 28 and December 13, 2005.

The parties request the Court aid them in determining the scope of discovery. Defendants submit that discovery in this ERISA case is limited to the Administrative Record. Plaintiff's position is that she is entitled to an opportunity for discovery and for other remedies as may be needed to possibly correct or complete the record and to aid the court in ascertaining the appropriate standard of review.

II. Proposed Pre-Trial Schedule

Counsel for the parties have conferred and agreed upon the following proposed pre-trial schedule:

A. Joint Discovery Plan

The parties intend to complete their respective initial disclosure obligations on or before November 15, 2005.

The Administrative Record in this case will be filed with the Court by November 30, 2005.

The parties propose that all discovery be completed no later than February 15, 2006.

The parties will identify all expert witnesses no later than February 22, 2006.

B. Proposed Schedule Of Filing Of Motions

The parties propose that any further supplementation of amendment the pleadings be filed no later than December 15, 2005.

The parties propose that dispositive motions be filed no later than April 4, 2006, oppositions to such motions no later than May 5, 2006, and reply briefs no later than May 19, 2006.

C. Extensions Of Time

The parties request that the Court permit them to stipulate to a modest extension of the deadlines outlined above if circumstances warrant such an extension.

III. Certifications

Local Rule 16.1(D)(3) Certifications have already been filed or are filed herewith.

IV. Offers of Compromise

Plaintiff states that defendants have not made any offer in compromise and therefore, there has been nothing for the parties to discuss. Defendants submit that it is plaintiff's obligation under the court's rules to make a settlement proposal, and she has failed to do so.

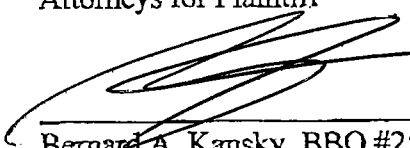
V. Trial By Magistrate

Plaintiff believes that trial by Magistrate would be cost and time-efficient and therefore, the Plaintiff does not only consent to such a trial and/or hearing but requests same. Defendants do not consent to a trial by Magistrate.

VI. Request For Waiver of Electronic Filing By Plaintiff

Plaintiff moves the court to temporarily waive the requirement of electronic filing (other than by facsimile transmission).

Attorneys for Plaintiff


Bernard A. Kamsky BBO #258040
KANSKY & ASSOCIATES
468 Commercial St., #100
Boston, MA 02109-1020
(617) 227-2020

Attorneys for Defendant Blue Cross and Blue Shield of Massachusetts, Inc.

/s/ Joseph Halpern
Joseph D. Halpern, BBO # 544789
Blue Cross and Blue Shield of
Massachusetts, Inc.
Law Department
Landmark Center, 401 Park Drive
Boston, MA 02115
(617) 246-3500
joseph.halpern@bcbsma.com

Attorneys for Defendants Blue Cross Blue Shield Long-Term Disability Benefit Plan, a/k/a Omnibus Welfare Benefits Plan, Kemper National Services, Inc., Broadspire Services, Inc. and Sheldon Myerson, M.D.

/s/ Edward S. Rooney, Jr.
Edward S. Rooney, Jr. BBO #426840
ECKERT SEAMANS CHERIN & MELLOTT LLC
One International Place, 18th Floor
Boston, MA 02110
(617) 342-6800
erooney@eckertseamans.com

David F. Schmidt
CHITTENDEN, MURDAY & NOVOTNY LLC
303 West Madison Street, Suite 1400
Chicago, IL 60606
312-281-3600

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document was served upon the attorney of record for each other party by (hand)(mail) on Nov. 15, 2016

